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09/505,721	02/17/2000	Joseph A. Giordano	03204.0063	7099

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HUNTON & WILLIAMS
1900 K Street
Washington, DC 20006

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

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04/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/505,721	Applicant(s) GIORDANO ET AL.	
	Examiner CLEMENT B. GRAHAM	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28,31-47,51-58,63-65,83,84 and 91-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28,31-47,51-58,63-65,83,84 and 91-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/29/08 has been entered.

2. Claims 28, 31-47, 51-58, 63-65, 83-84, 91-106 remained pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 28, 31-47, 51-58, 63-65, 83-84, 91-106, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaehler et al (Hereinafter Kaehler 6, 089, 284) in view of Christman et al (Hereinafter Christman 6, 390, 151).

As per claim 28, Kaehler discloses a system, comprising:
a merchant transceiver (i. e, transmitter/receiver see column 21 lines 24-27") comprised of a transceiver antenna (see column 20 lines 35 –59) that (a) sends a first radio frequency signal to a customer transceiver and (b) receives a second radio frequency signal conveying said customer/transmitter identifier from said customer transceiver(see column 2 lines 49-65)

a point-of-sale device processor (see column 7 lines 30-58) in communication with said merchant transceiver, that (a) captures transaction data,(b) transmits the authorization request to a transaction system(see column 13 lines 36-49 and column 2 lines 49-65 and column 11 lines 1-14) and a transaction processing system comprising: a memory having program

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instructions; and a processor configured to use said program instructions to (a) receive said authorization request; (b) determine, from said customer/transmitter identifier and merchant identifier, a payment processor; (c) transmit said an authorization request to said payment processor for authorization; and (d) transmit to said point-of-sale devices said payment processor's response to said authorization request. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

Kaehler fail to explicitly teach wherein a merchant is associated with a given brand, and wherein the merchant identifier is the same for all stores associated with the given brand.

However Christman discloses Referring now to FIG. 5, there is shown in block diagram format a preferred networking arrangement for central system controller 12 that illustrates in particular the manner of enabling the operator terminals 68 at the remote service facility to access various commercial retailers and online merchants having electronically-developed sites on a distributed large-scale communications network (e.g., Internet or Worldwide Web). In particular, central system controller is arranged for connection to a plurality M of commercial retailers 70 via respective connection paths and further arranged for connection to a plurality K of online merchants 74 that are electronically accessible via Internet facility 76. As shown, the same server 42 can be used to facilitate these additional access connections or another dedicated server may be provided for this purpose. In the manner described previously, the operator terminals 68 are connected as shown to the plurality of fuel dispensing systems 14 for the purpose of receiving, processing and executing the refueling transaction requests made by the customer. The illustrated connectivity between the remote service facility and online merchants is particularly noteworthy because it enables the customer to request additional transactions that can be executed by central system controller 12 pursuant to the proper electronic commerce activity.(see column 19 lines 21-44 and column 1 lines 39-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include wherein a merchant is

associated with a given brand, and wherein the merchant identifier is the same for all stores associated with the given brand taught by Christman in order to limit customer transactions.

As per claim 31, Kaehler discloses , further comprising:
a customer transceiver comprising memory and a processor coupled to said memory, wherein said customer transceiver receives the first radio frequency signal and subsequently transmits the second radio frequency signal that conveys the customer/transmitter identifier, and wherein said processor is adapted to read data from, and write data to, said memory.(see column 8 lines 22-34 and see column 29 lines 26-32 and see fig: 4a and see column 19 lines 3-29).

As per claim 32, Kaehler discloses wherein said customer transceiver (“i. e, transponder”) is further comprised of a security Pad operable to capture biometric data and to convert said data into an electronic representation of said data.(see column 2 lines 49-65 and see column 29 lines 26-32).

As per claim 33, Kaehler discloses wherein said biometric data is a fingerprint .(see column 1 lines 63-67 and see column 29 lines 26-32 and see column 2 lines 49-65).

As per claim 34, Kaehler discloses wherein said biometric data is a palm print. .(see column 1 lines 63-67 and .(see column 2 lines 49-65).

As per claim 35, Kaehler discloses wherein said customer transceiver processor is adapted to: compare an electronic representation of said captured biometric data with a digital image stored in said customer transceiver memory; and transmit said customer/transmitter identifier when said captured biometric data is identical to said digital image stored in said customer transceiver memory.(see column 2 lines 49-65 and see column 29 lines 26-32).

As per claim 36, Kaehler discloses wherein said customer transceiver processor is adapted to: compare a transaction amount with a dollar amount stored in said customer transceiver memory and inhibit transmission of said customer/transmitter identifier when said transaction amount is greater than said dollar amount. (see fig: 4a and see column 19 lines 3-29).

As per claim 37, Kaehler discloses wherein said customer transceiver processor is adapted to subtract a transaction amount from a dollar amount stored in said customer transceiver memory when said transaction is authorized. (see column 19 lines 3-29).

As per claim 38, Kaehler discloses further comprising:
a customer transceiver comprising memory a processor coupled to the memory and a keyboard coupled to the processor, wherein said customer transceiver receives the first radio frequency signal and subsequently transmits the second radio frequency signal that conveys the customer/transmitter identifier, and wherein said processor is operable to transmit information stored in said memory, or manually entered via said keyboard..(see column 6 lines 55-67 and column 7 lines 1-10).

As per claim 39, Kaehler discloses further comprising:
a customer transceiver is-embedded inside an article of clothing, wherein the customer transceiver receives the first radio frequency signal and subsequently transmits the second radio frequency signal that conveys the customer/transmitter identifier. (see column 6 lines 55-67 and column 7 lines 1-10).

As per claim 40, Kaehler discloses further comprising:
a customer transceiver is-embedded inside an item of jewelry, wherein the customer transceiver receives the first radio frequency signal and subsequently transmits the second radio frequency signal that conveys the customer/transmitter identifier, .(see fig:2c and .(see column 6 lines 55-67 and column 7 lines 1-10).

As per claim 41, Kaehler discloses further comprising:
transceiver is-embedded inside an electronic device, wherein the customer transceiver receives the first radio frequency signal and subsequently transmits the second radio frequency signal that conveys the customer/transmitter identifier. (see fig:2c and see column 6 lines 55-67 and column 7 lines 1-10).

As per claim 42, Kaehler discloses wherein said merchant transceiver is further comprised of: a processor coupled to the transceiver; and a keyboard coupled to the processor; wherein said processor is operable to receive information manually entered into said keyboard or received via said transceiver.(see column 7 lines 30-59).

As per claim 43, Kaehler discloses wherein said merchant transceiver is further comprised of a display device for displaying information to a user.(see column 9 lines 19-45).

As per claim 44, Kaehler discloses wherein said merchant transceiver is further comprised of a printer for printing a receipt.(see column 7 lines 29-35).

As per claim 45, Kaehler discloses wherein said merchant transceiver is further comprised of a memory operable to store information relating to a transaction. (see fig: 4a and see column19 lines 3-29).

As per claim 46, Kaehler discloses wherein said merchant transceiver is further comprised of a communication interface for communicating with external computing devices.(see column 2 lines 49-65).

As per claim 47, Kaehler discloses wherein said communication interface provides wireless connectivity to a point-of-sale device.(see column 28 lines 27-43).

As per claim 51 Kaehler discloses a method comprising transmitting a first radio frequency signal to a customer transceiver :

(4ii)- receiving a second radio frequency signal including customer identification data at a receiver;

creating an authorization request based in part upon the receipt of the customer identification data, the received authorization request comprising transaction data and the received customer identification data see column13 lines 36-49 and column11 lines 1-14 and column 8 lines 58-67 and column 9 lines 1-18)

(-v-) communicating the authorization request to a transaction processor;

selecting a payment processor at the transaction processor based at least in part upon information associated with the customer identification data and a merchant identifier stored in a database accessible by the transaction

processor see column13 lines 36-49 and column11 lines 1-14 and column 8 lines 58-67 and column 9 lines 1-18) and (-vii) communicating with the selected payment processor for approval and payment, and wherein each customer account comprises one or more preassigned payment methods, and the one or more preassigned payment methods are associated with a respective one or more merchants, and the one or more preassigned

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payment methods van/for transactions with different merchants in multiple customer accounts.(see column13 lines 36-49 and column11 lines 1-14 and column 8 lines 58-67 and column 9 lines 1-18).

Kaehler fail to explicitly teach wherein a merchant is associated with a given brand, wherein the merchant identifier is the same for all stores associated with the given brand.

However Christman discloses Referring now to FIG. 5, there is shown in block diagram format a preferred networking arrangement for central system controller 12 that illustrates in particular the manner of enabling the operator terminals 68 at the remote service facility to access various commercial retailers and online merchants having electronically-developed sites on a distributed large-scale communications network (e.g., Internet or Worldwide Web). In particular, central system controller is arranged for connection to a plurality M of commercial retailers 70 via respective connection paths and further arranged for connection to a plurality K of online merchants 74 that are electronically accessible via Internet facility 76. As shown, the same server 42 can be used to facilitate these additional access connections or another dedicated server may be provided for this purpose. In the manner described previously, the operator terminals 68 are connected as shown to the plurality of fuel dispensing systems 14 for the purpose of receiving, processing and executing the refueling transaction requests made by the customer. The illustrated connectivity between the remote service facility and online merchants is particularly noteworthy because it enables the customer to request additional transactions that can be executed by central system controller 12 pursuant to the proper electronic commerce activity.(see column 19 lines 21-44 and column 1 lines 39-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include wherein a merchant is associated with a given brand, wherein the merchant identifier is the same for all stores associated with the given brand taught by Christman in order to limit customer transactions.

As per claim 52, Kaehler the creating an authorization request further comprising:

communicating said customer identification data to a point of sale device and having the point-of-sale device create the authorization request.(see column 2 lines 49-65).

As per claim 53, Kaehler discloses said receiver is coupled to said point-of-sale point of sale device is coupled to said receiver.(see column 7 lines 45-55).

As per claim 54, Kaehler discloses said point-of- sale point device is integral with said receiver .(see column 7 lines 45-55).

As per claim 55, Kaehler discloses further comprising: processing the purchase transaction for approval and payment. (see column 19 lines 3-29).

As per claim 56, Kaehler discloses wherein communicating the authorization request to a transaction processor further comprises encrypting the authorization request.(see column 8 lines 57).

As per claim 57, Kaehler discloses wherein the database information comprises a preassigned payment methods associated with (vi) the customer identification data and merchant identifier and, the processing of the authorization request at the transaction processor further comprises processing the purchase transaction according to the a preassigned payment method.(see column 11 lines 1-14 and column 7 lines 29-43).

As per claim 58, Kaehler discloses wherein the preassigned payment methods is are preselected by a customer.(see column 11 lines 1-14 and column 7 lines 29-43).

As per claim 63, Kaehler discloses wherein the point of sale device is coupled to a security device that prevents unauthorized use of the transceiver.(see column 31 lines 60-67 and column 32 lines 1-6).

As per claim 64, Kaehler discloses wherein the security device further comprises a biometric recording device.(see column 29 lines 10-32).

As per claim 65, Kaehler discloses further comprising: inputting a password or Personal Identification Number (PIN) into a security device in communication with said point of sale device.(se column 1 lines 53-67 and column 7 lines 44-58).

As per claim 83, Kaehler discloses wherein said customer/transmitter identifier does not contain a customer's credit card or debit card number.(see column 1 lines 25-51).

As per claim 84, Kaehler discloses wherein said customer identification data does not contain a customer's credit card or debit card number.(see column 1 lines 25-51).

As per claim 91 Kaehler discloses further comprising:
a customer transceiver comprising memory, wherein said customer transceiver generates operating power after receiving the first radio frequency signal and subsequently transmits the second radio frequency signal that conveys the customer/transmitter identifier. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 92 Kaehler discloses wherein the point-of-sale device combines the transaction data with the customer/transmitter identifier and the merchant identifier to form the authorization request. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 93 Kaehler discloses further comprising:
upon receiving the first radio frequency signal, subsequently transmitting, from the customer transceiver, the second radio frequency signal that conveys the customer identification data. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 94 Kaehler discloses wherein the customer transceiver generates operating power after receiving the first radio signal. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 95 Kaehler discloses wherein the authorization request further comprises the merchant identifier. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 96 Kaehler discloses further comprising the step of determining, from said transaction data, a loyalty award and storing information pertaining to said loyalty award with the customer account information. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 97 Kaehler discloses 97where the loyalty award is redeemable with a merchant other than the merchant associated with the merchant identifier. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 98 Kaehler discloses where the loyalty award is credited in the customer account using a another merchant identifier. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 99 Kaehler discloses a method for processing transactions comprising the steps of:
receiving a signal at a point-of-sale device, said signal comprising customer identification data(see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18)
transmitting an authorization request from said point-of-sale device to a transaction processing system, said authorization request comprising a merchant identifier, transaction data, and said customer identification data; and
receiving a response to said authorization request from said transaction processing system. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 100 Kaehler discloses wherein a merchant is associated with a given brand, and wherein the merchant identifier is the same for all stores associated with the given brand. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

101. (NEW) A method for collecting consumer purchasing trend information in a transaction system, said method comprising the computer-implemented steps of:
receiving a signal at one of a plurality of point-of-sale devices, said signal comprising customer identification data(see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18) transmitting an authorization request from one of said plurality of point-of- sale devices to said transaction processing system, said authorization request comprising a merchant identifier, transaction data, and said customer identification data; and updating a database with transaction data and

customer identification data(see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 102 Kaehler discloses, wherein a merchant is associated with a given brand, and wherein the merchant identifier is the same for air stores associated with the given brand. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 103 Kaehler discloses a method of monitoring customer progress in a merchant award program, comprising the steps of:
receiving a signal at one of a plurality of point-of-sale devices, said signal comprising customer identification data(see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67) transmitting an authorization request from one of said plurality of point-of- sale devices to a transaction processing system, said authorization request comprising a merchant identifier, said transaction data, and said customer identification data, and crediting a customer account in a database with loyalty points indicative of said transaction data. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 104 Kaehler discloses wherein a merchant is associated with a given brand, and wherein the merchant identifier is the same for all stores associated with the given brand. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 105 Kaehler discloses wherein the loyalty points are redeemable with a merchant other than a merchant associated with the merchant identifier. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 an column 9 lines 1-18).

As per claim 106 Kaehler discloses further comprising:
determining, from said customer identification data, loyalty award program data that corresponds to said customer identification data, said merchant identifier, or a combination thereof, wherein the loyalty award program data comprises a loyalty award amount that is redeemable with a merchant other than the merchant associated with the

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merchant identifier. (see column 13 lines 36-49 and column 11 lines 1-14 and column 8 lines 58-67 and column 9 lines 1-18).

Conclusion

5. Applicant's arguments filed 2/29/2008 has been fully considered but they are moot in view of new grounds of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

/Kambiz Abdi/

Supervisory Patent Examiner, Art
Unit 3692

CG

March 20, 2008